

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 17-260
)
DERON HOWELL)

GOVERNMENT'S POSITION WITH RESPECT TO SENTENCING FACTORS

AND NOW comes the United States of America, by and through Scott W. Brady United States Attorney for the Western District of Pennsylvania, and Timothy M. Lanni, Assistant United States Attorney for said district, and respectfully files the Government's Position with Respect to Sentencing Factors pursuant to Fed. R. Crim. P. 32(f) and U.S.S.G. § 6A1.2(b). The government hereby submits:

1. Under section 26, the Government objects to the 5-level enhancement for a victim suffering between a serious bodily injury and a permanent or life threatening injury. The Government believes that there should be a 6-level enhancement for permanent or life threatening injury.
2. The Government also believes that the Specific Offense Characteristic §2B3.1(b) for both Counts 4 and 9 should apply, as the victims were physically restrained during the robbery and also held at gunpoint. The Government submits that a 2-level enhancement should apply.

3. Additionally, under section 29, the Government believes that a 2-level enhancement for aggravating role under §3B1.1 should apply.

Respectfully submitted,

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s/ Timothy M. Lanni
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